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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,303	12/18/2003	Adam J. Weissman	16113-330001	4367
26192 7590 05/04/2009 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER MYINT, DENNIS Y				
ART UNIT 2162		PAPER NUMBER		
NOTIFICATION DATE 05/04/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: ADAM J. WEISSMAN, and GILAD ISRAEL ELBAZ

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Application 10/741,303  
Technology Center 2100

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Mailed: May 4, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 4, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**REPLY BRIEF**

The review of the file finds that the Reply Brief filed December 1, 2008 includes new evidence.

In accordance with 37 CFR 41.41(a)(2):

“A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence...”

Because the reply brief filed December 1, 2008 was accompanied by an amendment, affidavit or other evidence, it will be treated as a request that prosecution be reopened before the examiner. See MPEP §1208 for details.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to treat the Reply Brief as a request to reopen prosecution; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/nhl

FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022